

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

SAMAD SEFIANE,

Plaintiff,

versus

CIVIL ACTION NO. 1:18-CV-399

JOEL VASQUEZ,

Defendant.

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Samad Sefiane, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 against Joel Vasquez.

The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the case be dismissed for failing to state a claim upon which relief may be granted

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion the objections are without merit. The magistrate judge correctly concluded that the defendant, a criminal defense attorney, is not a state actor and therefore cannot be liable in a lawsuit brought pursuant to Section 1983.

ORDER

Accordingly, the objections filed by plaintiff are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment shall be entered dismissing this lawsuit.

SIGNED at Beaumont, Texas, this 4th day of March, 2019.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE